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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 NEXTDOOR.COM, INC., a Delaware  
14 corporation,

15 Plaintiff,

16 v.

17 RAJ ABHYANKER, an individual,

18 Defendant.

19 RAJ ABHYANKER, an individual,

20 Counterclaimant,

21 v.

22 NEXTDOOR.COM, INC., a Delaware  
23 corporation; PRAKASH JANAKIRAMAN, an  
individual; BENCHMARK CAPITAL  
24 PARTNERS, L.P., a Delaware limited  
partnership; BENCHMARK CAPITAL  
25 MANAGEMENT CO. LLC, a Delaware limited  
liability company; SANDEEP SOOD, an  
26 individual; MONSOON ENTERPRISES, INC., a  
California corporation, and DOES 1-50,  
inclusive,

27 Counterdefendants.  
28

CASE NO. 3:12-cv-05667-EMC

**STIPULATION AND [PROPOSED]  
ORDER FOR PARTIAL DISMISSAL  
AND DECLARATORY JUDGMENT**

Case Filed: November 5, 2012

Judge: Edward M. Chen

1 Plaintiff/Counterdefendant Nextdoor.com, Inc. and Defendant/Counterclaimant Raj  
2 Abhyanker, through their counsel of record, hereby stipulate and agree, and request the Court to  
3 enter, the following Order resolving claims relating to the priority of use and ownership of the  
4 mark NEXTDOOR, including its use in the website www.nextdoor.com:

5 1. Abhyanker has asserted as part of his Fourth Counterclaim in his Second Amended  
6 Counterclaims (the "SACC") (Dkt. 132), in his Supplemental Statement Regarding His Prior  
7 Use And Common Law Rights In The Nextdoor Trademark (Dkt. 141), and his Errata thereto  
8 (Dkt. 153), that he owns and has priority of use as a matter of common law in the mark  
9 NEXTDOOR for uses including in online social networking. Abhyanker hereby dismisses with  
10 prejudice the foregoing claims.

11 2. Abhyanker's remaining claims in the SACC are unaffected by and survive this  
12 stipulation and order. Among other things, nothing in this stipulation and order affects or limits  
13 Abhyanker's claims and/or defenses based on Abhyanker's alleged ownership or alleged priority  
14 of use of the mark FATDOOR and/or the alleged likelihood of confusion between Abhyanker's  
15 use of the FATDOOR mark and Nextdoor.com's use of the NEXTDOOR mark.

16 3. Nextdoor.com has sought, in Count 1 of its Complaint (Dkt. 1) a declaratory  
17 judgment that it has established trademark rights, including priority of use, of the NEXTDOOR  
18 mark in the field of online social networking. Judgment shall be entered on this Count as set  
19 forth in the attached Order and Declaratory Judgment. Nextdoor.com's remaining claims in the  
20 Complaint are unaffected by and survive this stipulation and order, with the exception that  
21 Nextdoor.com hereby waives recovery of damages or disgorgement of profits under Count IV of  
22 its Complaint, for violation of 15 U.S.C § 1125(a), while retaining all other remedies, including  
23 attorney's fees, relating to such claim.

24 3. Each party preserves the right to move for or oppose an award of attorneys' fees  
25 and costs with respect to the matters dismissed and adjudicated by this Order at an appropriate  
26 time in this action and to present any and all admissible evidence with respect to such a motion.

27 4. Nothing in this Stipulation shall be construed as an admission of liability or  
28 wrongdoing of any kind by any of the parties hereto.

STIPULATED AND AGREED TO this 8th day of May, 2014.

Dated: May 8, 2014

FENWICK & WEST LLP

By: /s/ Laurence F. Pulgram  
Laurence F. Pulgram

Attorneys for Plaintiff and Counterdefendant  
NEXTDOOR.COM, INC. and Counterdefendant  
PRAKASH JANAKIRAMAN

Dated: May 8, 2014

LEGALFORCE RAJ ABHYANKER, P.C.

By: /s/ Bruno W. Tarabichi  
Bruno W. Tarabichi

Attorneys for Defendant and Counterclaimant  
Raj Abhyanker

**ATTORNEY ATTESTATION**

By the electronic signature below, counsel for Plaintiff and Counterdefendant, Nextdoor.com, Inc. and Counterdefendant, Prakash Janakiraman, attests that he is the CM/ECF user whose identification and password are being used to file the instant document, and that pursuant to Civil Local Rule 5-1(i)(3), counsel for Respondents, whose electronic signature appears below, provided their authority to file this document.

/s/ Laurence F. Pulgram  
Laurence F. Pulgram

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO

**ORDER AND DECLARATORY JUDGMENT**

In accordance with the stipulation of the parties, and for good cause shown, the Court hereby orders, adjudges and decrees that:

1. All of Counterclaimant Raj Abhyanker's claims to priority of use and ownership of the NEXTDOOR mark are hereby dismissed with prejudice.
2. Plaintiff Nextdoor.com, Inc. owns trademark rights in and has priority of use of the NEXTDOOR mark in the field of online social networking.
3. Nothing herein precludes any party from introducing evidence in support of or opposition to any claim or defense not adjudicated in this Order.
4. Abhyanker, and each of his agents, servants, and employees, and those persons in active concert or participation with any of them who receive actual notice of this order, shall not use the NEXTDOOR mark, or any colorable imitation thereof or confusingly similar term, in the field of online social networking for so long as Nextdoor.com or its successors has not abandoned the NEXTDOOR mark or ceased use of the mark.
5. This order and the Partial Judgment to be entered hereon does not adjudicate the issue of whether Nextdoor.com's use of the NEXTDOOR mark creates a likelihood of confusion as to source with Abhyanker's use of the FATDOOR mark. Nothing in this stipulation and order shall affect or limit Abhyanker's alleged right to use the mark FATDOOR in the field of online social networking, as to which all parties reserve all rights.
6. The clerk shall enter the attached Partial Judgment pursuant to Rule 54(b), as there is no just reason for delay. The time for any motion for attorney's fees or costs to be filed thereon is extended, pursuant to Rule 54(d)(2)(B), through the entry of a final judgment disposing of this entire action.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Edward M. Chen  
United States District Court Judge